

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

CHARLYN MIMS, )  
 )  
 Plaintiff, ) Civil Case No. \_\_\_\_\_  
 v. )  
 )  
 WINIFRED DURANT, )  
 UBER TECHNOLOGIES, INC., and ) JURY TRIAL DEMANDED  
 RASIER, LLC, )  
 )  
 Defendants. )

**NOTICE OF REMOVAL**

Defendants Uber Technologies, Inc. and Rasier, LLC hereby file this Notice of Removal pursuant to 28 U.S.C. § 1446, and respectfully shows the following:

**INTRODUCTION**

1. Plaintiff is Charlyn Mims (“Plaintiff”).
2. Defendants are Winifred Durant (“Durant”), Uber Technologies, Inc. (“Uber”), and Rasier, LLC (“Rasier”) (collectively, “Defendants”).
3. On or about December 9, 2020, Plaintiff filed her Petition against Defendants Durant, Uber, and Rasier in the Circuit Court of Jackson County, Missouri, Case No. 2016-CV25350, styled *Charlyn Mims v. Winifred Durant et al.* Plaintiff asserts state-law claims against Durant for negligence and against Uber and Rasier for respondeat superior and negligent hiring, training, supervision, retention, and entrustment.
4. Defendants Uber and Rasier were served with the state-court Petition on or about December 29, 2020.

## BASIS FOR REMOVAL

5. Removal is proper under 28 U.S.C. § 1332 and § 1441 because there is complete diversity between the parties, and the courts of the United States have original jurisdiction.

6. Plaintiff is a citizen of Missouri. *See Plaintiff's Petition*, ¶ 1.

7. Upon information and belief, Co-Defendant Durant is a citizen of Kansas. *See id.* at ¶ 2.

8. Uber is a Delaware corporation with its principal place of business in California. Uber is not a citizen of Missouri. See 28 U.S.C. § 1332(c)(1).

9. Rasier is a Delaware limited liability corporation. Rasier is not a citizen of Missouri. *See id.*

10. Plaintiff's state-court Petition seeks a judgment awarding Plaintiff damages for past and future medical expenses, future life care expenses, lost wages, diminished earning capacity, past and future emotional distress, pain and suffering, mental anguish, disfigurement, and past and future enjoyment of life. *See Plaintiff's Petition*, ¶¶ 18, 24, 30, 43, and 57. These claims place more than \$75,000 in controversy, exclusive of interest and costs.

11. Defendants Uber and Rasier may remove this case under 28 U.S.C. § 1441 because neither of them are citizens of Missouri.

12. Co-Defendant Durant has consented to the removal of this action to federal court.

13. This Notice of Removal is timely filed within 30 days after receipt of the initial pleading, in accordance with 28 U.S.C. § 1446(b).

14. Defendants Uber and Rasier will file a Notice of Filing Notice of Removal with the Circuit Court of Jackson County, Missouri, promptly after filing this Notice of Removal. Defendants Uber and Rasier will also provide prompt notice of the filing of this Notice of Removal to all known counsel of record in accordance with 28 U.S.C. § 1446(d).

15. Attached to this Notice of Removal are all executed process, all pleadings, and a complete copy of the current state court docket sheet. There are no orders issued by the state court. Also attached to this Notice of Removal are copies of the Original Filing Form (Designation Sheet) and the Civil Cover Sheet.

### **CONCLUSION**

Defendants Uber and Rasier respectfully request that this action be removed from the Circuit Court of Jackson County, Missouri; that this Court accept jurisdiction over this action; and that Defendants Uber and Rasier be awarded all further relief to which they may be entitled.

Respectfully submitted,

**GOLDBERG SEGALLA LLP**

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*Attorneys for Defendant Uber  
Technologies, Inc. and Rasier, LLC*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served electronically via the Court's electronic filing system, this 27<sup>th</sup> day of January, 2021, upon all counsel of record.

/s/ John M. Allen